

FAX TRANSMISSION

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To: Vince Oleszkiewicz **Date:** October 18, 2007
Fax #: 312-499-6701 **Pages:** including this cover sheet.
From: Mary L. Fulghum
Subject: Final Completion Letter sans enclosure
Vince- Here is the signed completion letter. I will try to get it in the mail this morning.
I have a meeting out of the office this afternoon. -Mary

EPA Region 5 Records Ctr.



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

October 17, 2007

SE-5J

VIA FACSIMILE NO. (847) 279-2510 AND U.S. MAIL

Mr. Charles Landefeld
MCL CDC P21 L.L.C.
455 East Illinois Street
Chicago, Illinois 60611

RE: Completion of Work under AAOC Docket No. V-W-05-C-834 for Parcel 1 of the Lindsay Light II Site OU10, 400 East Illinois (fka 510 North Peshtigo Court/Kraft), Chicago, Illinois

Dear Mr. Landefeld:

On December 5, 2005, the United States Environmental Protection Agency (U.S. EPA) entered into an Administrative Agreement and Order by Consent (AAOC) Docket Number V-W-05-C-834 with MCL CDC P21, LLC (MCL), in which MCL agreed to perform specified activities, including soil screening, removal and other activities, (the "Work") at the former Kraft property located at 400 East Illinois, Chicago, Illinois (Site), and to reimburse U.S. EPA for response costs associated with this Site. U.S. EPA and MCL entered into the AAOC because an Action Memorandum documented U.S. EPA's determination that radioactive materials present at the Site required a time-critical removal action based on the impending development of the Site.

The terms of the AAOC provided that if MCL did not radiologically investigate the entire Site or remediate thorium contamination from the entire Site, then MCL would establish U.S. EPA-approved institutional controls to control exposure to and release of thorium contamination. Pursuant to the AAOC, MCL submitted a work plan that U.S. EPA approved on December 5, 2005 and then MCL initiated site work on January 4, 2006. During the performance of the work, MCL identified several areas of potential and confirmed contamination in the rights-of-ways along North McClurg Court and East Grand Avenue, over which the City of Chicago has jurisdiction and holds in trust for the public. Those rights-of-ways are depicted on the enclosed Figure 4, Site Plan Showing Locations of Impacted Material Remediations, Parcel 1 and Parcel 2, Chicago, Illinois. MCL has agreed to provide the City of Chicago with copy of Figure 4 as contemplated by the Right-of-Way Agreement dated September 27, 1999 (Right-of-Way Agreement). The Right-of Way Agreement was entered into by City of Chicago, Kerr McGee Chemical LLC and River East LLC. and recorded at the Cook County Recorder of Deeds, document number 99924673.

As the investigation and cleanup work progressed, MCL proposed to divide the Site into two Parcels designated as Parcel 1 and Parcel 2, for purposes of remediation and issuance of a Completion Letter. (See the enclosed Figure 4 Site Plan.) MCL further informed U.S. EPA that MCL had decided to investigate and remediate the entirety of the Parcel 1 portion of the Site. Therefore, institutional controls were not required for the Parcel 1 portion of the Site. If MCL does not radiologically investigate and remediate, as necessary, the entirety of Parcel 2, then institutional controls shall be established on Parcel 2.

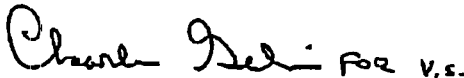
On October 2, 2007, MCL submitted a Final Report meeting the requirements of Paragraph 20 of the AAOC and documenting completion of the Work as required by the AAOC for Parcel 1. The October 2, 2007 Final Report includes documentation that Tronox LLC shipped approximately 2,000 cubic yards of thorium impacted soil removed from the Site to Energy Solutions Clive Facility (fka Envirocare) in Clive, Utah, a disposal facility licensed to accept radioactive waste, in accordance with Paragraphs 20 and 21 of the AAOC. Based upon the Final Report and U.S. EPA's inspections of the Site and past oversight of the Work, U.S. EPA concludes that MCL has completed the Work required by the AAOC Section VIII, for the Parcel 1 portion of the Site. No institutional controls are required for property within the legal boundaries of the Parcel 1 portion of the Site.

The suspected and confirmed contamination in the McClurg Court and East Grand Avenue rights-of-ways, however, remain subject to the Right-of-Way Agreement institutional controls.

As stated above, this letter merely reflects U.S. EPA's determination in accordance with Paragraph 72 of the AAOC that MCL has completed the Work required by the AAOC for Parcel 1, including the removal of all radioactive materials found at Parcel 1 of the Site. This letter does not apply to any other portion of the Site. This notice of completion in no way releases MCL from any potential future obligations to perform additional work to address the same, or other, conditions at the Parcel 1 portion of the Site should such work be the subject of a future U.S. EPA Administrative Order. Similarly, this notice of completion does not release MCL from any recordkeeping, payment (including payment of certain response costs in accordance with Paragraph 40 of the AAOC) or other obligations under the AAOC that extend beyond the date of this notice.

Please contact me at (312) 886-3601 and direct any legal inquiries to Mary Fulghum, Associate Regional Counsel at (312) 886-4683 or Cathleen Martwick, Associate Regional Counsel at (312) 886-7166, if you have any questions concerning this letter.

Sincerely,



Verneta Simon
On-Scene Coordinator

Enclosure

cc: Dr. Steven Kornder, STS Consultants, Ltd.
Vincent S. Oleszkiewicz, Esquire, Duane Morris LLP, w/enclosure